

THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007

MICHAEL A. CARDOZO  
Corporation Counsel

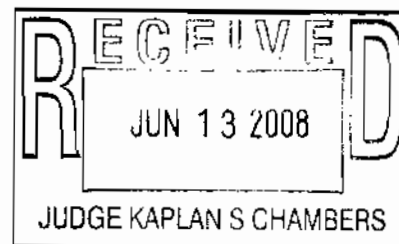
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June 12, 2008

**BY HAND**

Honorable Lewis A. Kaplan  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

*Application granted  
so ordered.  
J. 6/16/08  
6/18/08 d S.D.S.  
Part I*



Re: John Anderson v. The City of New York, et al.  
08 CV 1307 (LAK)

Your Honor:

I am the Assistant Corporation Counsel presently assigned to represent defendants City of New York and Undercover Police Officer bearing Shield Number 5732 in the above-referenced matter. Without appearing on his behalf and for the reasons set forth herein, I write to respectfully request that defendant Michael Oliver be granted until July 8, 2008, to file an answer or otherwise respond to the complaint.

By letter dated April 8, 2008, this office sought a brief stay in this matter pertaining to defendant Michael Oliver, as Detective Oliver was then a defendant in the criminal trial pertaining to the highly publicized death of Sean Bell, who was killed in November 2006 outside a strip club in Queens, New York. By memorandum endorsement on April 10, 2008, Your Honor granted a stay for defendant Oliver until June 8, 2008.

The instant enlargement of time is requested because the undersigned regretfully mis-calendared the due date of Detective Oliver's answer as July 8, 2008. First, the undersigned sincerely apologizes to the Court for this mistake. The undersigned has also sincerely apologized to plaintiff's counsel for this unintended oversight, and thus, plaintiff's counsel has graciously consented to the instant application. In addition, it is my understanding that Detective Oliver is currently away, and is unavailable until, at the earliest, next week. Furthermore, for reasons unrelated to the undersigned's oversight, this case is presently being reassigned to another attorney at the New York City Law Department. Therefore, the enlargement of time is requested so that the new attorney, soon to be assigned, may have an opportunity to familiarize

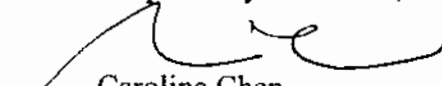
himself or herself to the facts and issues pertaining to this matter, and to resolve any representation issues pertaining to Detective Oliver. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985); quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law).

Defendants respectfully submit that the Court's endorsement of the instant application should not affect the remainder of discovery to be conducted in this case. On April 28, 2008, an answer was filed on behalf of defendants City of New York and Undercover Police Officer bearing Shield Number 5732. In addition, by Your Honor's endorsed Consent Scheduling Order dated May 22, 2008, discovery is scheduled to close on October 31, 2008. Furthermore, as agreed upon by the parties, initial disclosures pursuant to F.R.C.P. Rule 26(a)(1) have already been exchanged. Thus, as of the writing of the instant application, document discovery is up to date on the part of defendants, and an enlargement of time for the filing of Detective Oliver's answer should not delay any continuing discovery.

For the reasons set forth herein, defendants respectfully request that the Court grant defendant Michael Oliver until July 8, 2008, to file an answer or otherwise respond to the complaint.

I thank the Court for its time and consideration of the matters discussed herein.

Respectfully submitted,



Caroline Chen  
Assistant Corporation Counsel

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